

United States Courts  
District of Columbia Circuit  
333 Constitution Ave., NW  
Washington, DC 20001

Merrick B. Garland  
Chief Judge

Beryl A. Howell  
Chief Judge

### Chief Judges Announce Adoption of Workplace Conduct Policies

Washington, D.C. - November 28, 2018: Chief Judges Merrick B. Garland and Beryl A. Howell announced today that the Judicial Council of the District of Columbia Circuit has adopted a series of recommendations, which the courts of the circuit have already largely implemented, to improve the handling of and response to workplace misconduct issues.

Chief Judges Garland and Howell said that "ensuring a workplace free of sexual harassment and other misconduct, including retaliation for reporting harassment and misconduct, is of the highest priority in the D.C. Circuit. The steps our courts are taking further that goal."

The chief judges highlighted that new procedures "provide employees with a variety of alternative avenues, both informal and formal, to obtain advice, support, and intervention assistance." They noted that newly adopted policies also "ensure appropriate training in workplace conduct standards, reiterate protection for employees against retaliation, and endorse the use of workplace environment surveys of both current and former employees to help the courts understand the nature of any workplace issues court employees have faced or are currently facing."

The recommendations were made by a circuit-wide Workplace Conduct Committee that the chief judges appointed in late May of this year. The committee is co-chaired by Circuit Judge Nina Pillard and Senior District Judge Rosemary Collyer, and includes Circuit Judge Thomas Griffith, District Judge Rudolph Contreras, Circuit Executive Betsy Paret, and District and Bankruptcy Court Clerk of Court Angela Caesar.

Details of the adopted workplace policies and procedures include:

**- Workplace Relations Coordinators.** The circuit's and district's chief and deputy chief mediators have been appointed as the courts' workplace relations coordinators. In this capacity, they will provide employees with an alternative informal venue to obtain advice and to make complaints about workplace misconduct (in addition to the courts' existing Judicial Conduct and Disability Act and Employment Dispute Resolution (EDR) Plan procedures, as well as the new national Judicial Integrity Officer). The coordinators will also ensure appropriate training for the members of the new Employee Sounding Board and Law Clerk

Advisory Group (see below), and will facilitate initial orientation and refresher workplace conduct standards training for all judges and court employees in the circuit.

**- Employee Sounding Board and Law Clerk Advisory Group.** Court employees from across the courts' units have been appointed to an Employee Sounding Board, and several former law clerks for circuit and district judges have been appointed to a Law Clerk Advisory Group. The two will serve as informal resources for court employees to obtain advice about workplace conduct concerns.

**- Employee Advisory Group.** Court employees from across the courts' units have been appointed to an Employee Advisory Group that, together with the Law Clerk Advisory Group (see above), will provide input to the circuit-wide Workplace Conduct Committee regarding further committee recommendations and initiatives.

**- Informal Employee Protection Programs.** Informal employee protection programs will be created. These will include contingency plans to provide for a transfer or alternative work arrangement for an employee, including a law clerk, if egregious conduct by a judge or supervisor makes it untenable for the employee to continue to work for that judge or supervisor.

**- Update of EDR Plans.** The courts' EDR Plans have been updated to reflect the changes adopted by the U.S. Judicial Conference at its September 13, 2018, meeting. Specifically, the plans have been updated to include interns and externs and to extend the time for initiating EDR complaints from 30 days to 180 days. The Workplace Conduct Committee will make further recommendations after the Judicial Conference approves a new Model EDR Plan at its March 2019 meeting.

**- Workplace Environmental Climate Survey.** The courts will use a comprehensive survey to determine the extent and the nature of any workplace issues court employees have faced or are currently facing. The Workplace Conduct Committee is working with the Federal Judicial Center (FJC) to develop the survey, which the FJC will send to all current court employees and to court employees who have departed within the past five years. The FJC will transmit the survey by email, compile the data, and provide the committee with the results and analysis.

- **Exit Questionnaire.** The courts will use exit questionnaires as an ongoing mechanism to obtain feedback from departing employees and to monitor the workplace environment.

- **Mandatory Meetings for All Employees.** The courts will hold mandatory meetings for all court employees to review the informal and formal ways to get advice about workplace conduct and report workplace misconduct. Both chief judges plan to make introductory remarks to emphasize the importance the courts place on these matters. The first meetings are scheduled for December 2018 and January 2019. After those initial meetings, the courts will ensure that all new employees receive basic workplace standards training (including discrimination and sexual harassment training) as part of their initial orientation program, with refresher training conducted at regular intervals.

- **Summary of Resources.** A flow chart has been created to show the informal and formal ways in which a court employee can get advice about a workplace conduct issue or report workplace misconduct free from retaliation. The flowchart is the foundation for a one-click homepage on each court's intranet site with all relevant information in one easy-to-find location.

In formulating its recommendations, the circuit-wide Workplace Conduct Committee consulted with a broad cross-section of court employees, including former law clerks, as well as experts at the FJC. The committee's recommendations respond to and expand upon the recommendations of the judiciary-wide Federal Judiciary Workplace Conduct Working Group that were released in June 2018.

Chief Judges Garland and Howell "express their sincere thanks for the great amount of time and effort that the members of the committee have devoted, and will continue to devote, to making the courts of the D.C. Circuit an exemplary workplace."

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